

MINUTES

November 9, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on November 9, 2004 in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

William W. Dean, PE - Chairman
E. Charles Vickery, PE
Richard K. Little, PE
Guy F. Ritter, PE
John H. Sweitzer, PE
Theodore W. Waddle, LS, PE
Mark E. Chastain, LS
Doris I. Willmer, PE
Gloria B. Ransom, Ph.D., Public Member

BOARD MEMBERS ABSENT:

none

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Board Application Specialist
Patricia Downing – Attorney General Representative

GUESTS PRESENT:

Tom Hurley, representing SAMSOG

Call to order:

Chairman Dean called the meeting to order at 9:30 am and presented a proposed agenda. Mr. Dean requested to add Construction Engineering/Proposed Rules. Mr. Little moved to adopt the amended agenda. Mr. Ritter seconded. Motion carried.

Public Hearing Regarding Board Rules 180-12-.02, “Sealing of Documents” and 180-3-.04, “Foreign Education.”

A public hearing was held from 9:30 am until 10:30 am regarding posted Board Rules 180-12-.02, “Sealing of Documents” and 180-3-.04, “Foreign Education.” No comments were received from the general public. At 10:30 am, Mr. Ritter moved to close the hearing. Mr. Little seconded. Motion carried.

Approval of Minutes:

Chairman Dean asked for any additions or deletions to the minutes of the October 19, 2004 Board Meeting. There being no changes other than minor typographical errors, Mr. Sweitzer moved to adopt the minutes as corrected. Ms. Willmer seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized the guest present, Mr. Tom Hurley, representing the Surveying and Mapping Society of Georgia (SAMSOG.)

Executive Director's Report

Mr. Mickler reported that he has been reviewing old complaint cases and trying to expedite completion of some of the oldest cases still open.

Chairman Dean reported on a meeting with other Board chairmen and the Secretary of State, Cathy Cox last week for a "Leadership Summit." Chairman Dean reported that all Boards have similar problems with insufficient number of staff, insufficient support of national counterparts, insufficient turnaround in complaints and investigations and others because of budget demands. He described new implementations such as the Call Center and online renewals that at first had bugs, but were improving and would be assets to the Professional Licensing Boards Division in the long run.

Old Business:

Board Rule 180-03-.02 (b):

Ms. Willmer moved to post Board Rule 180-03-.02(b) that refers to Qualifications for Professional Engineers and Engineers-In-Training as follows:

Kind of Experience: The experience should involve the application of special knowledge of the mathematical, physical, and engineering sciences; the organization and implementation of testing procedures or methodologies for the collection of engineering data; the preparation of engineering data; the interpretation of engineering data; and the involvement in engineering during construction by the design engineer to verify his/her engineering design.

Ms. Willmer further moved that the formulation and adoption of Board Rule 180-3-.02 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer

certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Ritter seconded. Motion carried.

P.E. Application Form Draft:

Ms. Willmer presented a draft of proposed revisions to the Endorsement Form and Experience page of the Professional Engineer's application. After discussion, the Board members and staff were encouraged to review and send comments back to Ms. Willmer in time for her to compile and return a new draft for the December 14 meeting.

Land Surveyor Minimum Education Requirements:

Mr. Chastain reported that he had asked for feedback from SAMSOG and called upon Mr. Hurley to comment. Mr. Hurley reported that representatives from SAMSOG had met and had varying opinions and were encouraged to talk to their individual chapters and report back at a SAMSOG meeting to be held in January. Mr. Chastain asked for this item to be deferred until the January Board meeting. No action taken at this time.

Board Rule 180-2-.04:

Mr. Chastain asked that this item be deferred until he is prepared to make recommendations on Land Surveyor Minimum Education Requirements.

Board Rules 180-12-.02 and 180-3-.04:

At 10:30 am, Mr. Ritter moved to close the Public Hearing. Mr. Little seconded. Motion carried. Mr. Ritter moved to adopt Board Rule 180-12-.02, "Sealing of Documents" as amended and further moved that the formulation and adoption of Board Rule 180-12-.02 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Little seconded. Motion carried.

Board Rule 180-12-.02 as amended will read as follows:

RULE 180-12-.02, "Sealing of Documents" Amended.

~~(1) The seal and signature of the registrant shall be placed on all plans, specifications, plats and reports whenever presented to a client or any public agency to certify that the work thereon was done by the registrant or under the direct supervisory control of the registrant on a daily basis.~~

~~(2) The seal, signature and date shall be placed on all original copy, tracings or other reproducible documents so that the seal, signature, date will be reproduced when copies are made.~~

~~(3) Each drawing shall be sealed and signed by the registrant responsible for each sheet. When a firm, corporation, professional corporation, partnership, association, or other entity performs the work, each drawing shall be sealed and signed by the registrant in responsible charge.~~

~~(4) Computer-generated seals may be used on final original drawings provided that a handwritten signature in black ink is placed adjacent to or across the seal, and the date is written below the stamp. Computer-generated signatures and dates are not acceptable. Drawings that are transmitted electronically shall have the following inserted in lieu of the signature and date. This document originally issued and sealed by (name of registrant), P.E. # _____/L.S. # _____. On (date of sealing). This media should not be considered a certified document.~~

(1) The term, "documents," as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, maps, surveys, reports, specifications, design information, and calculations, including such work issued in digital form and including work in incomplete or preliminary form. This Rule shall not apply to recordable property plats governed under O.C.G.A. 15-6-67(b)(2)(E).

(2) The terms, "issue" or "issued" as used herein shall include any and all dissemination, publishing, and/or sending out of documents, paper copy or electronic form to any person for any purpose, by a registrant or by others under the registrants' supervision.

(3) The registrant shall seal and sign (with signature across the seal) all original final documents which are issued to a client or any public agency. The sealing of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. The date of sealing and signature shall be placed immediately under the seal and signature. All signatures, and dates of signatures, shall be handwritten.

(4) The registrant shall not issue an incomplete, preliminary, in-progress, or for-review document or any type unless such document displays the date of issue and a notation in bold lettering, such as "PRELIMINARY," "NOT FOR CONSTRUCTION," "NOT TO BE RECORDED," or "FOR REVIEW ONLY," which clearly identifies the purpose for which the document is issued.

(5) Seals, signatures, dates, and/or other notations required by this Rule shall be placed on original documents such that the seal, signature, date and/or notations, will be reproduced when copies are made.

(6) Each drawing sheet, whether bound or unbound, shall be sealed and signed by each registrant responsible for work on that sheet. When a document or drawing is sealed and signed by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.

(7) Computer generated seals may be used on final original documents provided that a handwritten signature in black ink is placed across the seal and the date is handwritten below the seal. Computer generated signatures and dates of signature are not acceptable.

(8) Documents that are electronically transmitted shall have any computer-generated seal removed from the original file prior to transmission. All electronically transmitted documents shall have displayed, in lieu of the seal, signature and date, the following statements, "The original of this document was sealed and signed by {registrant's printed name and registration number on {date of signature}." And in bold lettering, "THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT."

Mr. Ritter moved to adopt Board Rule 180-3-.04, "Foreign Education Requirements" as amended and further moved that the formulation and adoption of Board Rule 180-3-.04 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A. § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Little seconded. Motion carried.

Board Rule 180-3-.04 as amended will read as follows:

180-3-.04 “Evaluation of Foreign Education” Amended

(1) Any applicant desiring educational credit for an engineering degree from a foreign institution must submit an evaluation of such education to the Board. ~~Said~~ Such evaluation must be in a form prescribed by the Board and must be performed by an agency approved by the Board. ~~However, applicants with foreign education who are otherwise eligible for consideration because they acquired an A.B.E.T. accredited engineering degree or advanced engineering degree as defined in Board Rule 180-3-.03 will not require such evaluation of foreign education.~~

(2) Approved Special evaluation forms and instructions ~~forms must~~ may be requested obtained from the Board office, 237 Coliseum Drive, Macon, Georgia 31217 Engineering Credentials Evaluation International (ECEI) at their website www.ECEI.org.

(3) Advanced post-graduate degrees to be accepted for educational credit must be in the same branch of engineering and current experience in which the applicant plans to practice in the state of Georgia and be from a school or college whose undergraduate curriculum is Accreditation Board for Engineering and Technology (ABET) accredited in the applicant’s discipline at the time of the applicant’s study.

Policy Regarding Four Offerings/Education Requirements:

Mr. Dean presented a draft of a Board policy regarding exam offerings and educational requirements. Mr. Vickery moved adoption of the following policy effective November 9, 2004:

Board Policy 04-05: Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take the qualifying examination four times. If an applicant fails to pass an examination within the period of the four consecutive offerings, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board transcripts for the enrollment and completion of twelve (12) college credit semester hours of college level courses in the applicant’s area of deficiency. For applicants to take the fundamentals examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering. For applicants to take the principles and practice examination, such additional courses shall be upper level or higher course in engineering.

Dr. Ransom seconded. After discussion, Mr. Sweitzer moved to amend and adopt the policy to read as follows:

Board approval of application for considerations under this policy entitles applicant to the next four consecutive offerings.

Mr. Chastain seconded. Motion carried.

Vivian Stephens asked for clarification of how to deal with applicants who have already been notified that they need to obtain a refresher course. Mr. Dean stated that those applicants who have failed in the past and were notified that they only needed to obtain a Refresher Course to reapply will be allowed one (1) additional offering, and then will be told to obtain the twelve (12) semester hours to reapply.

Construction Engineering/Proposed Rules:

Chairman Dean reported on his research of Construction Engineering Programs in ABET colleges. He found that The American University of Cairo, Iowa State University, University of New Mexico, North Carolina State University, North Dakota State University, Purdue University, Western Michigan University and University of Wisconsin have acceptable Construction Engineering programs.

Chairman Dean proposed the following Board policy to become effective immediately:

Board Policy 04-06: *43-15-9(4) shall only be applied to ABET accredited engineering or related science degrees; therefore, engineering technology degrees, notwithstanding ABET accreditation, are not applicable. Engineering Technology degrees are applicable to 43-15-9(2).*

Mr. Ritter moved to adopt. There being no second, Mr. Sweitzer moved to accept the following language for Board Policy 04-06:

43-15-9(4) shall not recognize engineering technology degrees.

Mr. Vickery seconded. Motion carried with Mr. Little and Mr. Chastain opposed.

Mr. Dean proposed the following Board policy to become effective immediately:

Board Policy 04-07: *Once an applicant has begun the process of licensure by 43-15-8(1), 8(2) or 8(3), the applicant must complete the process with one of these three methods.*

Mr. Chastain moved to adopt. Mr. Little seconded. Motion carried.

Chairman Dean assigned Mr. Sweitzer the task of reviewing how ABET is now evaluating educational programs and to make recommendations for changes in Board procedures, if warranted."

New Business:

Construction Staking Legality:

Mr. Chastain brought up the topic of unlicensed firms offering construction layout staking and led a discussion. No action was taken.

The Board recessed for lunch at 12:00 pm and reconvened at 1:10 pm.

Experience Credit for Teaching:

Mr. Sweitzer brought up the topic of how much experience credit the Board should give to applicants for teaching engineering topics. Chairman Dean asked Mr. Sweitzer to draft a policy.

Executive Session:

At 1:15 pm, Mr. Ritter moved to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Dr. Ransom seconded. Motion carried.

The following Board members were present during Executive Session – Chairman Dean, Mr. Sweitzer, Mr. Vickery, Dr. Ransom, Ms. Willmer, Mr. Ritter, Mr. Chastain, and Mr. Waddle.

Reconvened Open Session at 2:00 pm with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Dr. Ransom, Ms. Willmer, and Mr. Waddle.

Mr. Chastain and Mr. Ritter left to conduct Investigative Interviews.

Investigations and Complaints:

PELS040012 – This case involved unlicensed practice of engineering by a firm. Because the firm has gone out of business, Mr. Waddle moved to close the case with no action. Mr. Vickery seconded. Motion carried.

PELS040025 – This case involved substandard practice of professional engineering by a licensee. Mr. Vickery moved to issue a Consent Order with a Public Reprimand, \$500 penalty and one year probation, requiring the licensee to submit all investigative reports he completes for Board review during the probation period.

Board Memo Comity Model Law Applicants:

29926 McDougall, Jeffrey L.
29929 Cizek, Joseph A
29932 Durham, Andrew F
29935 Kerrigan, John W.
29938 Reid, Timothy R.
29941 Snyder, Kurk W.
29944 Young, Perry V.
29953 Boyles, Daniel J.
29956 Coto, Julian R.

29927 Alcaraz, Mary
29930 Holderbaum, Rodney E
29933 Fortenberry, Ned Jr.
29936 Miller, Christopher J
29939 Renoe, James W.
29942 Templin, David F.
29951 Barnhill, Kevin S
29944 Bullard, Delbert L Jr.
29957 Davenport, John M

29928 Bruns, Kevin E
29931 Cortright, Devon D.
29934 Horton, Chris
29937 Mosman, Michael J.
29940 Sheehan, Margaret S.
29943 Tuttle, Chad E
29952 Bishop, Michael R.
29945 Chinery, Scott S
29958 Forsythe, Robert G.

29959 Garner, John D.

29962 Novak, Stanley C. Jr.

29965 Slikas, Michael R.

29960 Horton, Everett A.

29963 Ory, Shannon R

29966 Tracy, Justin B.

29961 Leatherwood III, Frank E.

29964 Payne, Roy R. Jr.

29967 Walter, Robert W.

Dr. Ransom moved to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). Mr. Vickery seconded. Motion carried.

Reinstatements:

Dr. Ransom moved to deny the reinstatement application of Edward Shaw, PE016105. He will be notified that he may be allowed to reinstate only if he passes the principles and practices exam in Civil Engineering. Mr. Vickery seconded. Motion carried.

Dr. Ransom moved to deny the reinstatement application of Lawrence Kelly, PE013815. He will be notified that he may be allowed to reinstate only if he passes the principles and practices exam in Civil Engineering. Mr. Vickery seconded. Motion carried.

There being no further business before the Board, Chairman Dean asked for a motion to adjourn. Mr. Waddle so moved. Dr. Ransom seconded. Motion carried and the meeting was adjourned at 2:55 pm. Board members remained after adjournment to review applications.

Board Chairman

Division Director